

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

REGINALD BICKRAM,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

No. 18-CV-1160 (KMK)

ORDER ADOPTING
REPORT & RECOMMENDATION

KENNETH M. KARAS, United States District Judge:

Reginald Bickram (“Plaintiff”) brings this Action pursuant to 42 U.S.C. § 405(g), seeking judicial review of the final decision of the Commissioner of Social Security (the “Commissioner” or “Defendant”), which denied his application for disability insurance benefits and/or supplemental security income benefits. (Dkt. No. 7.) The Commissioner moved to dismiss the Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, or in the alternative, for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure, on the ground that the Complaint is barred by the time limitation specified in § 205(g) of the Social Security Act (the “Act”), 42 U.S.C. § 405(g). (Dkt. Nos. 17, 19.)

The case was referred to the Honorable Andrew E. Krause (“Judge Krause”). On June 9, 2021, Judge Krause issued a Report and Recommendation (“R&R”) recommending that the Commissioner’s Motion be denied. (Dkt. No. 42.) The parties have not filed any objections to the R&R.¹

When no objections are filed, the Court reviews an R&R on a dispositive motion for clear error. *See Andrews v. LeClaire*, 709 F. Supp. 2d 269, 271 (S.D.N.Y. 2010); *Eisenberg v. New*

¹ Judge Krause provided notice that, 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure, objections to the R&R were due within fourteen days after being served with a copy. (R&R 14–15.)

Eng. Motor Freight, Inc., 564 F. Supp. 2d 224, 226 (S.D.N.Y. 2008). The Court has reviewed the R&R and finding no substantive error, clear or otherwise, adopts the R&R.

Accordingly, it is hereby

ORDERED that the Report and Recommendation, dated June 9, 2021, is ADOPTED in its entirety.

ORDERED that the Parties meet and confer regarding whether this case should be remanded to the Commissioner. The Parties must notify the Court on how they wish to proceed by filing a letter within 14 days of issuance of this Order.

SO ORDERED.

Dated: June 29, 2021
White Plains, New York

A handwritten signature in black ink, appearing to read 'K. Karas', is written over a horizontal line.

KENNETH M. KARAS
United States District Judge